



DAN MORALES  
ATTORNEY GENERAL

Office of the Attorney General  
State of Texas

July 16, 1991

Mr. Edward H. Perry  
Assistant City Attorney  
Office of the City Attorney  
City Hall  
Dallas, Texas 75201

OR91-331

Dear Mr. Perry:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 12696.

You have forwarded to us for review a copy of a report on risk management along with copies of the exhibits accompanying the report. You assert that section 3(a)(11) of the Open Records Act applies to various portions of the report and exhibits. Section 3(a)(11) protects "inter-agency or intra-agency memorandums or letters which would not be available by law to a party in litigation with the agency." Section 3(a)(11) was designed to protect advice and opinion on agency matters in order to encourage open and frank discussion in the deliberative process of governmental bodies. Section 3(a)(11), however, only excepts from disclosure advice, opinion and recommendation and not facts or observations of fact severable from such advice, opinion and recommendation. See Open Records Decision No. 470 (1987) at 7. The portions that you have either marked or described as excepted under section 3(a)(11) contain the estimates and opinions of future losses and payments of a consultant hired to advise the city. You may withhold those portions from disclosure since section 3(a)(11) excepts advice and opinion used in the deliberative process.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with

a published open records decision. If you have questions about this ruling, please refer to OR91-331.

Yours very truly,



Celeste A. Baker  
Assistant Attorney General  
Opinion Committee

CAB/lb

Ref.: ID# 12696

Enclosures: documents; Open Records Decision No. 470.

cc: David Jackson  
Staff Writer  
Dallas Morning News  
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